

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MANUEL TEIXEIRA,

Plaintiff,

v.

NATIONAL BEDDING COMPANY, LLC,

Defendant.

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Civil Action No. 1:12-10170-JLT

ORDER

June 20, 2012

TAURO, J.

After reviewing the Parties' submissions, this court hereby orders as follows:

1. Plaintiff's Motion for Remand to State Court [#7] is ALLOWED.

In order for this court to have subject matter jurisdiction over diverse parties in an action alleging only state law claims, the amount in controversy must exceed \$75,000.¹ The amount in controversy is determined from the face of the complaint.² Because Plaintiff did not claim more than \$75,000 in his complaint, this court lacks subject matter jurisdiction.³ This case is hereby remanded to Bristol County Superior Court.

¹ 28 U.S.C. § 1332(a) ("The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between [diverse parties]."); see also 28 U.S.C. § 1441.

² Coventry Sewage Assocs. v. Dworkin Realty Co., 71 F.3d 1, 4 (1st Cir. 1995) (quoting Horton v. Liberty Mutual Ins. Co., 367 U.S. 348, 353 (1961)).

³ See Mem Supp. Pl. Mot. Rem. [#8] at 1 & n. 1 (stating that Defendant removed based on a misreading of the amount claimed on the Civil Action Cover Sheet); see also Complaint [#6] at 7.

2. Defendant's Motion to Dismiss Count III [#4] is DENIED AS MOOT.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge